

08 C 656

**JUDGE NORGL
MAGISTRATE JUDGE VALDEZ**

EXHIBIT A

CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER			
This form is affected by the Privacy Act of 1974; See Privacy act statement before completing this form.		<input checked="" type="checkbox"/> EPPA <input checked="" type="checkbox"/> EEOC	440-2007-02074			
Illinois Department of Human Rights <i>State or local Agency, if any</i>						
NAME (Indicate Mr., Mrs., Ms.) Mr. Rogelio Escamilla		HOME TELEPHONE (Include Area Code) (630) 885-5358				
STREET ADDRESS 1492 Golden Oak Parkway		CITY, STATE AND ZIP CODE Aurora, IL 60506				
		DATE OF BIRTH 08/10/1971				
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one, list below).						
NAME Covalent Specialty Material Corporation		NUMBER OF EMPLOYEES MEMBERS 15+	TELEPHONE (Include Area Code)			
STREET ADDRESS 1401 W. 94th Street		CITY, STATE AND ZIP CODE Minneapolis, MN 55431				
		COUNTY				
NAME d/b/a Tyco Plastics Co.		TELEPHONE (Include Area Code) (630) 896-6200				
STREET ADDRESS 921 West Industrial Drive		CITY, STATE AND ZIP CODE Aurora, IL 60508				
		COUNTY				
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))		DATE DISCRIMINATION TOOK PLACE				
<input type="checkbox"/> RACE	<input type="checkbox"/> COLOR	<input type="checkbox"/> SEX	<input type="checkbox"/> RELIGION	<input type="checkbox"/> NATIONAL ORIGIN	EARLIEST (ADEA/EPA)	LATEST (ALL)
<input type="checkbox"/> RETALIATION	<input type="checkbox"/> AGE	<input checked="" type="checkbox"/> DISABILITY	<input type="checkbox"/> OTHER	November 10, 2006		<input type="checkbox"/> CONTINUING ACTION
THE PARTICULARS ARE (If additional space is needed, attach extra sheets.)						
(SEE ATTACHMENT)						
<input type="checkbox"/> I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (When necessary for State and Local Requirements)				
		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.				
I declare under penalty of perjury that the foregoing is true and correct.		SIGNATURE OF COMPLAINANT		DATE		
Notary Public Seal		 <small>X</small>		12-7-06		
SUBSCRIBED AND SWORN TO BEFORE ME THIS DAY (Day, month, and year)						

ADDENDUM TO CHARGE OF DISCRIMINATION

***ROGELIO ESCAMILLA v. COVALENT SPECIALTY MATERIAL CORPORATION,
d/b/a TYCO PLASTICS***

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I. Complainant was discriminated against by Respondent in violation of the Americans with Disabilities Act of 1990, §2 *et seq.*, 42 U.S.C.A. §12101 *et seq.* (“ADA”) and the Illinois Human Rights Act, 775 ILCS 5/2-101 *et seq.* (“IHRA”). The discrimination and Harassment was ongoing and continuous in nature for a period of time commencing April 2006, and continuing until Complainant’s unlawful termination on or about November 10, 2006.

A. Complainant was an employee of Respondent from April 3, 2006 through the date of his unlawful and discriminatory termination on November 10, 2006.

B. Complainant is and/or was perceived as disabled as defined under the ADA and IHRA, because he suffered from a cyst on his brain that substantially limits one or more major life activities. Complainant has a record of said physical impairment and/or is regarded by Respondent as having such impairment.

C. Complainant is or was perceived as a qualified individual with a disability/handicap/serious medical condition under the ADA and IHRA. At all relevant times herein, Complainant was qualified, competent, and capable of performing all of the essential functions of his job with and/or without a reasonable accommodation.

D. Respondent perceived Complainant as disabled/handicapped and impaired.

E. Respondent discriminated against Complainant on the basis of his disability/handicap/serious medical condition, or its perception thereof, in the following ways:

1. Refused to accommodate Complainant’s disability/handicap/serious medical condition, or the perception thereof, in the following ways:
 - a. Refused to allow Complainant to work while on his medication; and
 - b. Refused to allow Complainant time off for his medical condition/disability/illness;
2. Terminated Complainant because of his disability/handicap/serious medical condition or the perception thereof;
3. Disciplined Complainant more harshly than non-

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disabled/handicapped employees or employees it did not perceive as disabled/handicapped; and

4. Otherwise treated Complainant differently than non-disabled/disabled employees (or employees it did not perceive as disabled/handicapped) in the terms, conditions, and responsibilities of his employment.
- F. At all relevant times, Complainant performed all of the "essential functions" of his job in an outstanding manner that met and/or exceeded Respondent's legitimate business expectations.
- G. There was no legitimate non-discriminatory basis for Respondent's discriminatory treatment of Complainant.
- H. Complainant requested reasonable accommodation of his disability (time off to treat his disability/handicap/serious medical condition), however Respondent refused to provide Complainant with the requested accommodation and further refused to evaluate or consider options for accommodation (engage in a meaningful interactive process as required by the applicable statutes) in violation of the ADA and IHRA.
- I. On numerous occasions, Complainant complained about the disability/handicap discrimination and wrongful termination.
- J. Despite being fully aware of the disability discrimination, Respondent took no action to investigate, prevent, mitigate, remediate, stop, or otherwise address the ongoing discrimination.
- K. Respondent engaged in the above-stated discriminatory conduct willfully, intentionally and with the knowledge and intent to violate both state and federal laws prohibiting such acts of discrimination.
- L. Complainant has suffered severe injury and damage as a direct and proximate result of Respondent's discriminatory conduct in violation of the ADA and IHRA.

EXHIBIT B

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Rogelio Escamilla**
1492 Golden Oak Parkway
Aurora, IL 60506

From: **Chicago District Office**
500 West Madison St
Suite 2800
Chicago, IL 60661

CERTIFIED MAIL 7099 3400 0018 8814 8112

On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2007-02074

Percile Bryant,
Investigator

(312) 353-8180

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

More than 180 days have passed since the filing of this charge.

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

The EEOC is terminating its processing of this charge.

The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

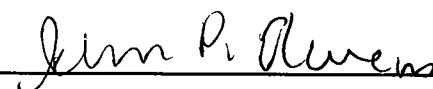
The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

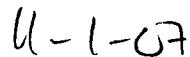
Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible**.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



John P. Rowe,
District Director



(Date Mailed)

Enclosures(s)

cc: **COVALENT SPECIALTY MATERIAL CORP.**
D/B/A TYCO PLASTIC COMPANY